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Customer Number

Patent
Case No.: 61603US024

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: ANDREOLI, RITA

Application No.: 10/772645

Confirmation No.: 5791

Filed: February 5, 2004

Title: LOW FLUORESCENCE NYLON/GLASS COMPOSITES FOR
MICRO-ANALYTICAL DIAGNOSTIC APPLICATIONS

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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Dear Sir:

This is in response to the Office Action mailed June 16, 2006. Claims 1-14 and 32-57 are pending in the application. Claims 1-14 and 32-57 were restricted under 35 USC § 121 as follows:

I. Claims 1-14 and 45 are said to be drawn to a method of fabricating a non-luminescent multi-cell substrate useful for carrying out a microarray of biological polymers, classified in Class 435, subclass 4;

II. Claims 32-44 are said to be drawn to a composite microarray slide, classified in Class 435, subclass 283.1; and

III. Claims 46-57 are said to be drawn to a composite microarray slide, classified in Class 435, subclass 297.1.

In the outstanding Office Action, the Examiner explained that the inventions are distinct from each other because of the following reasons: The Examiner found that Invention I is related to inventions II and III as process of making and product made. The inventions are distinct from each other if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case, the Examiner found that the composite microarray slide of Inventions II and III can be made by a method different than the method of Invention I.

Further, the Examiner found that Inventions II and III are distinct from each other since each is drawn to a different composite microarray slide.

As a result, the Examiner has concluded that Inventions I, II and III are unrelated.

Thus, because the inventions were found to be distinct for the reasons given above and because the inventions have acquired a separate status in the art as shown by their different classification; the search required for the respective groups is not necessarily required by each of the other groups and their subject matter is recognized as divergent, restriction for examination purposes was determined to be proper by the Examiner.

Election

Accordingly, in response to the Restriction Requirement, Applicants hereby elect the invention of Group I defined by claims 1-14 and 45, drawn to a method of fabricating a non-luminescent multi-cell substrate useful for carrying out a microarray of biological polymers. Applicants reserve the right to elect and prosecute the non-elected claims in a co-pending application to be filed at a later date.

Conclusion

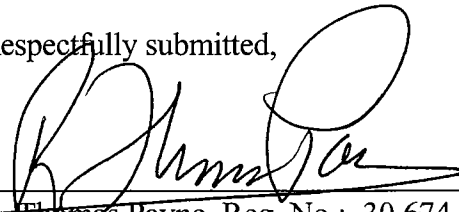
Applicants have elected Group I. Based upon the foregoing, early and favorable consideration of Claims 1-14 and 45 is respectfully requested.

It is believed that no fee is due; however, in the event a fee is required, please charge the fee to Deposit Account No. 13-3723. The Examiner is invited to contact the undersigned at the indicated telephone number with questions that can be resolved with a simple teleconference.

Respectfully submitted,

7/10/06
Date

By:


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